

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

September 5, 2012
6:00 P.M.

Mayor Michael W. Tucker called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Kibler, McCaffrey, Fogle, Schrader, and Genewick.

Absent: Alderman Lombardi

RECESS

Recess for public input.

090512.1

APPROVAL OF MINUTES

On motion of Alderman Kibler, seconded by Alderman Schrader, the minutes of the Regular Meeting of August 15, 2012 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

FROM THE MAYOR

Appointment:

8/22/12 Kathryn (Kitty) Fogle, 35 Bacon Street, Lockport, NY – appointed as a member of the Finance Committee. Said term expires December 31, 2013.
Received and filed.

Resignation:

8/24/12 Michael J. Worthington, 129 Saxton Street, Lockport, NY – resigned as a member of the Planning and Zoning Board.
Received and filed.

FROM THE CITY CLERK

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments. Referred to the Finance Committee.

Communications (which have been referred to the appropriate City officials)

8/20/12 Richelle J. Pasceri, City Clerk, notification of bid proposals for Transit Connect LX Cargo Vans were received and opened on August 16, 2012 as follows:

Van Bortel Ford, Inc, Rochester, NY	one van two vans	\$20,865.00 \$41,730.00
Basil Ford Inc. Cheektowaga, NY	one van two vans	\$20,940.00 \$41,880.00
Vision Ford Rochester, NY	one van two vans	\$20,977.00 \$41,924.00
Howell Motors, Inc. Lockport, NY	one van two vans	\$21,534.00 \$43,086.00

Referred to the Director of Public Utilities.

8/24/12 Debra VanDusen, Emmanuel United Methodist Church, 75 East Avenue, Lockport, NY – request permission to conduct the annual Fall Festival on October 20, 2012. Referred to the Committee of the Whole.

8/27/12 Richelle J. Pasceri, City Clerk, notification of bid proposals for two trucks with Knight Reel style Stainless Steel Mixers were received and opened on August 24, 2012 as follows:

Hunter Buffalo Peterbilt Buffalo, NY	\$214,222.00
Lamb & Webster Inc. Springville, NY	\$245,000.00

Referred to the Director of Public Utilities.

8/30/12 Pastor Donald Chisholm Sr., The Latter Rain Cathedral at Lockport, 9 Bristol Avenue, Lockport, NY – requesting permission to use City Lot #5 (farmer's market) to conduct a clothing & educational supplies giveaway on Saturday, September 8, 2012. Referred to the Committee of the Whole

Notice of Defect:

8/23/12 209 South Transit Street, Lockport, NY – tree
8/24/12 587 Pine Street, Lockport, NY – tree
8/28/12 345 Clinton Street, Lockport, NY – tree
8/29/12 77 Morrow Avenue, Lockport, NY – tree
8/30/12 156 Corinthia Street, Lockport, NY – tree
8/30/12 235 Chestnut Street, Lockport, NY – tree

Referred to the Director of Engineering.

Notice of Claim:

8/30/12 Cheryl F. Lee, 5894 Ridge Road, Lockport, NY
Referred to the Corporation Counsel.

SUMMONS:

8/28/12 Connor J. Ennis –vs- Salvatore Licata and City of Lockport, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS**090512.2**

By Alderman Genewick:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on September 7, 2012.

Seconded by Alderman McCaffrey and adopted. Ayes 5.

090512.3

By Alderman Genewick:

Resolved, that claims authorized for payment by the Director of Planning and Development, and subsequently paid from the Community Development Escrow Account, be and the same are hereby approved.

Seconded by Alderman Fogle and adopted. Ayes 5.

090512.4

By Alderman Schrader:

Whereas, the City of Lockport desires to inspect the Main Interceptor Sewer from William Street to the Wastewater Treatment Plant, and

Whereas, bids were received for said work on August 10, 2012, and

Whereas, the Director of Engineering / Public Works has interviewed the lowest bidder and hereby recommends award to National Water Main Cleaning Co, now therefore be it

Resolved, that the Mayor is hereby directed and authorized to enter into a Contract with National Water Main Cleaning Co. in the amount of \$37,716.85 plus a ten percent contingency to be charged to (see Paula for account code).

Seconded by Alderman Genewick and adopted. Ayes 5.

By Alderman Schrader:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman McCaffrey and adopted. Ayes 5.

090512.5

By Alderman Genewick:

WHEREAS, Section 54-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid , and

WHEREAS, comments have been solicited from all officers in the City of Lockport involved in the procurement process, now, therefore, be it

RESOLVED, that the City of Lockport does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE CITY OF LOCKPORT

I. INTRODUCTION:

It is the policy of this City to procure goods and services necessary in performance of the City's business, as efficiently, effectively, and as economically as possible.

No purchase orders will be issued until availability of funds has been determined and approved by the Treasurer's Office.

All city departments and offices are subject to the purchasing procedures as promulgated by the Common Council and described hereafter. The City will therefore purchase all goods and services in accordance with the procedures set forth in the section entitled Procedures. Supplies used by various officers and departments should be uniform whenever consistent with operational goals in the interest of efficiency or economy.

No official or employee will be interested financially in any contract entered into by the municipality (as defined in Section 800 of the General Municipal Law and as further provided in the City of Lockport Code of Ethics). This also precludes acceptance of gratuities, financial or otherwise, by the above person, from any supplier of materials or services to the municipality. The City declares its intention to purchase competitively without prejudice and to seek maximum operational value for every dollar spent.

The City of Lockport will not be deemed responsible for commitments made circumventing these procedures.

II. PURPOSE:

To establish uniform procedures for the procurement of materials and services that are required to support the operation of the city.

III. SCOPE:

This policy applies to all material and service procurement and related activities.

IV. AUTHORITY & RESPONSIBILITY:

Authority: The City Clerk is authorized by the city charter to contract for and makes purchases of all supplies, materials, equipment, and services, required by any office, department, board, bureau, commission or agency of the City pursuant to rules and regulations established by the Common Council and applicable law and regulations of NY State except for professional and technical services and public works contracts. All purchases made and

contracts executed by the City Clerk will be pursuant to a signed requisition from the head of the office, department, board, bureau, commission or agency whose appropriation is to be charged.

Responsibility: It is the responsibility of each employee involved in procurement process to become familiar with these procedures and to follow their requirements; failure to do so may cause an unnecessary delay in the process.

If there are any questions or concerns relative to these procedures or the ability of the employee to respond effectively to their requirements, it is the responsibility of that employee to bring such matters to the attention of the City Clerk/Purchasing Agent.

Every purchase to be made must be initially reviewed by the department head to determine whether it is a purchase contract or public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the line item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. *Department Heads shall consider the reasonably expected aggregate amount of all purchase of the same commodities or service to be made within a twelve (12) month period commencing on the date of purchase when determining which procurement methodology to use. Aggregate purchase of the same commodities or service within a (12) month period are deemed a single transaction. When a Department Head can reasonably anticipate repeat purchases are necessary, the Department should select the appropriate procurement process to cover such aggregate needs, which may include a competitive bid. Purchases of services or commodities shall not be artificially divided for purpose of satisfying the discretionary buying thresholds. A change to or renewal of a discretionary purchase shall not be permitted if the change or renewal would bring the reasonably expected aggregate amount for all purchases of the same commodity or services from the same provider within the twelve month period commencing on the first purchase to an amount greater than the discretionary buying threshold amount.*

The following items are not subject to competitive bidding pursuant to Section 53 of the General Municipal Law:

1. Purchase contracts less than \$20,000 and public works contracts less than \$35,000.
2. An emergency purchase - General Municipal Law, Section 53 (4).
3. Goods purchased from agencies for the blind or severely handicapped.
4. Purchase contracts through NYS or Niagara County Contracts (or contiguous counties) when approved through a Common Council resolution.
5. Surplus and secondhand purchases from another government entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which made the item or service exempt,

a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchase at the lowest price except in the following circumstances:

1. Purchase contracts more than \$20,000 and public works contracts more than \$35,000.
2. Goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law.
3. Goods purchase from correctional institutions pursuant to Section 186 of the Correction Law.
4. Purchases under State contracts pursuant to Section 54 of the General Municipal Law.
5. Purchases under county contracts pursuant to Section 53(3) of the General Municipal Law when approved through a Common Council resolution.
6. Sole Source & Single Source goods or services. A sole source can be a manufacturer, software developer or service provider that sells direct and there are no other sources offering an "or equal". Prior to a vendor being considered a sole source, a letter on the vendor's official letterhead **must** accompany the requisition when submitted to the City Clerk/Purchasing Agent detailing their sole source status or proof from the Manufacturer's website that the vendor is the sole distributor.

A single source could be a distributor/wholesaler/retailer that has a contractual agreement for a specific territory to the exclusion of others. Prior to a vendor being considered a single source supplier, a letter on the manufacturer's official letterhead **must** accompany the requisition when submitted to the City Clerk/Purchasing Agent detailing their single source status.

The City Clerk/Purchasing Agent will require the status of Sole source or Single source be approved by the Corporate Counsel.

V. PROCEDURES:

The following method of purchasing will be used when required by this policy in order to achieve the highest savings:

Procedures for the purchase of commodities, equipment, or goods:

Dollar Limit	Procedure
\$1 - 2,999	at the discretion of the Dept Head.

\$3,000 – 4,999	Documented telephone quotes from at least three separate vendors. (If available) * See note below.
\$5,000 - 19,999	Formal written/fax quotes from at least three separate vendors. (If available) * See note below.
\$20,000 and up	Sealed bids in conformance with General Municipal Law, Section 53.

One quotation (page 16) must be obtained from a local vendor, if possible. Documentation is required for each action in connection with the procurement, especially if it was not possible to obtain a quote from a local City vendor. Local City vendors may be given a *five* percent (5%) price benefit for contracts less than \$20,000.

* If a quote is lower than the state bid price for the same exact commodity and also under the \$20,000 threshold, only one other non-state bid quote is required.

Proper documentation is required when the quotation is not awarded to the vendor giving the lowest price. Quotes will be awarded to the lowest responsible and responsive vendor. Proper documentation on the quote sheet (page 16) must be given if required number of quotes is not obtained.

Procedure for public works projects/contracts:

Dollar Limit	Procedure
\$1 - 2,999	At the discretion of the Dept Head.
\$3,000 – 4,999	Documented telephone quotes from at least three separate vendors. (If available)
\$5,000 - \$34,999	Formal written/fax quotes from at least three separate vendors For Formal Request for Proposal (RFP).
\$35,000 and up	Sealed bids in conformance with General Municipal Law, Section 53.

One quotation must be obtained from a local vendor, if possible. In all circumstances, whenever other than the lowest quotation is awarded, there must be written documentation of the reason for the award. **UNDER NO CIRCUMSTANCES CAN A QUOTE THAT EXCEEDS THE SEALED BID LIMIT BE AWARDED**

A good faith effort will be made to obtain the required number of proposals or quotations. If the purchaser documents the attempt at obtaining the proposals or quotations, in no event will the failure to obtain the proposals be a bar to the procurement.

Pursuant to General Municipal Law Section 54-b(2)(f), the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the Common Council, the solicitation of alternative proposals may not be in the best interest of the city. In the following circumstances it may not be in the best interest of the City of Lockport to solicit quotations or document the basis for not accepting the lowest bid:

a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the City of Lockport Common Council will take into consideration the following guidelines: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services will include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services; printing services involving extensive writing, editing, or artwork; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of prepackaged software.

b. Emergency purchases pursuant to GML Section 53(4):

An emergency exists wherein the delay caused by soliciting quotes would endanger the health, welfare, or property of the City of Lockport, or more important the individual taxpayer. The procurement of goods or services will be at the discretion of the proper department head with documentation as to the nature of the emergency and will be submitted to the Clerk/Purchasing agent within **two working days** of such procurement. A true emergency does not exclude the need for securing competitive pricing, only the formal bidding process. Lack of anticipation or planning cannot be deemed as a cause for declaring an emergency. An explanation of why the purchase is an emergency must accompany the purchase order.

c. Purchases of surplus and secondhand goods. Surplus and second-hand supplies, material or equipment may be purchased without competitive bidding from the federal government, the state of New York or from any other political subdivision, district or public benefit corporation. However, this exception does not apply to purchases from private sources. If alternate proposals are required, the City of Lockport is precluded from purchasing surplus and secondhand goods at auctions or through specific advertised sources where the best prices are usually obtained.

d. Commodities, equipment or goods less than \$3,000 and public work contracts less than \$3,000. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interest of the taxpayer. In addition, it is not likely that such contracts would be awarded on favoritism.

Any and all procedures not specifically covered in this policy will be adhered to as covered in General Municipal Law, Section 54-b.

VI. REQUESTS FOR QUOTATIONS:

Quotations will be in writing and attached to the requisition submitted to the Clerk's/Purchasing Agent's office. A quotation form is attached (page 16).

Quotation forms will include three vendors who can provide the item or services desired. These forms should contain a complete description of the item, the quantity desired and the unit on which the price is quoted (per gross, dozen, etc.).

In the case of an order for which a firm price cannot be obtained at the time of the order is placed (repair work, etc.), an estimate should be obtained and this figure placed on the purchase order with the notation that this is an estimate.

After three quotations have been gathered, the department head will purchase the materials from the vendor with the lowest price. (The delivery time and cost of labor and mileage will be a consideration.) Local vendors may be given a five percent (5%) price benefit for contracts less than \$20,000. This will be approved by the Clerk personally in advance. Quotations for Capital Projects shall be canvassed and approved by the Common Council at which time the appropriation and expenditure of funds will be authorized. When purchasing under State contracts pursuant to Section 54 of the General Municipal Law for Capital Projects, the department head will request the Common Council to authorize the appropriation and expenditure of funds of the exact amount needed.

VII. PURCHASE ORDERS:

1. **Purpose:** Provides a formal document and authority for the purchase of goods and services. Provides documentation that goods and services have been ordered and received. Provides the necessary authority to pay vendor claims for goods and services. Initiates and substantiates various accounting processes. Provides the necessary tax-exempt sale proof needed by vendors.

2. **Frequency:** Any purchase made in the amount of \$50.00 or more requires the use of a purchase order.

3. **Distribution:**

Vendor Original - Order form to be sent to the vendor.

Duplicate Copy - For department records and Receiving Copy - To be retained by the requisitioning department until the requested items are delivered or services rendered. The individual responsible for acceptance of the delivery or completion of the services would determine that it was in agreement with the request. Any discrepancies should be noted on the receiving copy of the purchase order, and it should be signed and dated. The receiving copy, with invoices and/or other paperwork should be attached for payment.

Duplicate Copy - To be retained in an open purchase order (encumbrance) file. This copy will be the basis for placing an encumbrance against the subsidiary appropriation account's unencumbered balance, and serve as support for the computerized budgetary information.

4. **Preparation:** The ordering department will complete an on-line purchase requisition; completing all required fields as follows:

- a. Date
- b. Vendors name and address
- c. Terms as they apply
- d. Vendor Number
- e. Description of goods being ordered with an explanation of whether the goods are supply versus equipment, etc. and where or what the goods are going to be used for (i.e. vehicle, building, program)
- f. Quantity
- g. Unit Price
- h. Extension and Total Cost
- i. Account number to be charged
- j. Comments (resolution #, contract information, etc.)

NOTE: Separate Purchase Orders must be prepared if the purchase is being made from an operating fund and capital fund (e.g. water and capital).

5. **Responsibility:** In **ALL** instances, purchase orders are to be completed **and approved by the Treasurer's Office before** a purchase is made. The sole exception: emergency purchase orders described earlier which allows for the purchase order to be requested within two working days of such emergency.
6. If the Treasurer's Office determines that insufficient or no appropriation balance is available when processing a purchase order, the requisition will be returned to the originating department. A budget modification (transfer) or amendment must be submitted to the Treasurer's before the purchase order can be processed.
7. All purchase orders must be approved by the Purchasing Agent's Office before the purchase is made.

If at any time a department finds they will exceed the competitive bidding threshold for a particular product or service, they should notify the Clerk/Purchasing Department to allow time for the formal bid process to be completed to meet their anticipated needs.

When canceling an order: Attach a copy of correspondence with the company to a copy of the purchase order and send to the Purchasing Agent's Office.

Requests for Transfers: Department Heads are responsible for monitoring their respective Departments. To request an increase in appropriations, the department head should proceed as follows:

1. The request for transfer, or increase in appropriations, should be in writing and directed to the Common Council with an explanation of why the transfer is needed.
2. The amount needed and the budget account code involved must be indicated.

The Department Head should make a written request for approval to the Clerk. After accumulation of all related information, the Clerk will submit the request to the Common Council for action. After approval by the Common Council, the Department Head will resubmit the purchase order.

The Clerk will make the appropriate adjustments to records, encumber the amount of the purchase order and certify to the availability of funds.

THE CITY OF LOCKPORT WILL NOT BE RESPONSIBLE FOR PURCHASES MADE WITHOUT PRIOR AUTHORIZATION FROM THE CLERK/PURCHASING AGENT EXCEPT AS OTHERWISE STATED HEREIN.

VIII. BLANKET PURCHASE ORDERS:

1. **Purpose:** To eliminate the necessity for the issuance of separate orders for groups of items which are purchased frequently from the same vendor. To permit the department to purchase items for small repair or replacement items, stock replenishment of the expendable supply store and/or contract/bid items for various bulk items needed on a monthly basis. **Note:** This does not permit a department head to purchase stock for a month, etc., but merely allows department heads to purchase so that they do not run out of a necessary item.

The aggregate (total) for items of the same description or use will not exceed \$20,000 per annum.

Those items normally used in a day to day operation include: hardware, plumbing, supplies, electrical supplies and automotive parts. Service Contracts should also be paid from a Blanket Purchase Order.

2. **Frequency:** Issued monthly to various vendors for the purchases of those items considered to be of an immediate need or for purposes of consolidating purchases. **EQUIPMENT IS NOT TO BE PURCHASED ON A BLANKET PURCHASE ORDER.**
3. **Distribution:** Same as regular purchase orders.
4. **Preparation:** Same as regular purchase orders.
5. **Responsibility:** The amount and period of the blanket purchase order will be determined by the respective department head. It should be based on information available in the records covering previous fiscal years and present departmental needs. The department **MUST** monitor the purchases made to insure that they do not exceed the amount allowed by the blanket purchase order. Any over expenditure, depending on the circumstances, may not be approved for payment. If it appears that the amount on the blanket purchase

order may not be sufficient to cover the time period allowed, the Purchasing Agents Office must be informed immediately and a transfer request should be submitted so that the purchase order will be amended.

When supplies are delivered or picked up, receipts, delivery slips, or other documents transmitted by the vendor will be signed by the individual receiving the supplies. The blanket purchase order number **MUST** also be placed on the documents which will then be attached to the receiving copy of the purchase order and forwarded to the Accounting Office for payment processing.

An additional purchase order will **not** be issued "**After the fact**" to cover overages. The department head will submit the additional invoices causing the overage to the Clerk's Office accompanied by a voucher with an explanation as to why more accurate records were not maintained in relation to the blanket purchase order.

IX. YEAR-END PURCHASE ORDERS:

All purchase requisitions **MUST** be submitted to the Treasurer's office no later than December 1 each year. After December 1, only EMERGENCY* purchase requisitions will be accepted. Purchase requisitions must be done for the emergency purchase **REGARDLESS** of the amount. Those purchase requisitions will be scrutinized and followed to the letter of the purchasing policy as it relates to what is actually an **emergency**. There will be **NO EXCEPTIONS**.

X. CONFIRMING PURCHASE ORDERS:

1. **Definition:** To provide a purchase order number in cases where necessity for immediate action exists.
 - a. **Emergency:** General Municipal Law #53 (4) clearly states, "in case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants require immediate action."

The Clerk/Purchasing department will not approve an emergency purchase order when the purchase is not justified, where the purchase is being made to circumvent established procedures, or where there is a lack of proper planning.
2. **Procedure:** When a department has an urgent situation, the following procedure will be followed:
 - a. The ordering department will verify necessary, budgetary appropriation **OR** obtains needed approval from the Purchasing Agent during normal business hours and will verbally be issued a purchase order number (if the emergency exists during normal business hours).

- b. The ordering department will contact the Clerk's/Purchasing Agent's office immediately, if it is a business working day and business working hours who will verbally assign a purchase order number. The ordering department will advise who the vendor is, the estimated cost, the line item to be charged and the nature of the urgency.
- c. The ordering department prepares the confirming purchase requisition and provides the regular distribution. The purchase order will be marked "confirmation."
- d. Justification for the use of a confirming purchase order will be in writing and will be attached to the confirming purchase order within two working days of the actual order.
- e. The individual who picks up the item or items from the vendor must obtain an expedited invoice containing:
 - 1. Quantity and description of items purchased.
 - 2. The unit and total cost.
 - 3. The purchase order number.
 - 4. The signature of the person receiving the goods.
- 3. **Responsibility:** The need for justifying such action is the responsibility of the department head. **LACK OF PROPER PLANNING** will not be considered a valid reason for this process.

Improper use of confirming orders will be discussed with the department head. If there is continued abuse, it will be brought to the attention of the Mayor and Common Council.

XI. EXCEPTIONS TO PURCHASING SYSTEM:

There are certain expenditures for which the processing of a purchase order is unnecessary. "Over papering" can ruin the effectiveness of the system almost as quickly as noncompliance. The following should be made without purchase orders:

- A. Employee expenses such as conference mileage, and other reimbursable expenses in performance of day-to-day duties.
- B. Reimbursement of petty cash funds.
- C. Utility Bills.
- D. Interdepartmental charges.
- E. Medical examinations.

- F. Legal Notices.
- I. Postage meter costs.

XII. RECEIVING OF GOODS

After merchandise or service is received by the ordering department, the following will take place:

- A. Receiving department acknowledges that the goods were received in good condition by writing such on the packing slip.
- B. Receiving person must sign and date packing slip. The person signing a packing slip is responsible for counting good received to insure that amount indicated on packing slip is correct.

Ordering department submits invoice and vouchers to Treasurer's Office for payment processing and audit by the Common Council. Also, packing and delivery slips, and copy of purchase order must be attached to the voucher in order to be processed.

XIII. BIDDING REQUIREMENTS

General Municipal Law Section 53 and 54-b require annual purchase contracts exceeding \$20,000 and public works contracts exceeding \$35,000 be awarded to the lowest responsive/responsible bidder meeting the specifications after public advertising for sealed bids. (The term "public works contracts" applies to items or projects involving labor or both material and labor.)

Competitive bidding is required when it is known or can be reasonably be expected that the aggregate amount to be spent on equipment or supply items will exceed \$20,000 in a fiscal year. Supply items of a similar nature which are generally handled by one vendor should be grouped together for the purpose of determining whether the limit is exceeded.

It is the responsibility of the department head to identify the purchases to be made by his/her department in a fiscal year that will exceed the monetary limits stated above and to initiate the competitive bidding process by contacting the Clerk/Purchasing Agent.

XIV. PROCEDURES FOR BIDDING

- A. The requesting department obtains from the Common Council permission to bid the item, commodity, material, or equipment.
- B. Detailed specifications for the commodity or equipment should accompany the request. (Note: Specifications should be written by the requesting department head.) The Clerk will see that the specifications comply with the General Municipal Law requirements and complete the bidding process.

- C. The Clerk will establish a date for the opening and reading of the bids per the General Municipal Law.
- D. The Clerk will arrange for the legal notice to be printed in the official newspaper of the City.
- E. Awarding the bids by the Common Council will take place after consultation with the department head and the research of the bids to make sure that the bidders have complied with the specifications, and that the General Municipal Law has been adhered to.
- F. The bid will be awarded to the lowest responsive and responsible bidder.

Departments should allow four to six (4-6) weeks for the bid process.

Conflict of Interest

It is the responsibility of each City employee to protect the interest of the City in dealing with customers, supplies and other employees. Each employee shall avoid those situations which do or which may appear to present conflict between his/her personal interest and the best interest of the City. While it is impossible to set forth each and every situation in which a conflict of interest may arise, a conflict of interest is most likely to arise in one or more of the following situations:

- 1. When the employee, a member of his/her immediate family or a trust in which he/she is involved, has a direct or indirect financial interest in, or obligation to an actual or prospective supplier to the City.
- 2. When an employee conducts business on behalf of the City with any business in which he/she or any relative has a direct or indirect financial interest.
- 3. An employee, members of his/her immediate family or a trust in which the employee has a financial interest accept gifts or entertainment from an actual or potential supplier to the City.
- 4. An employee uses information obtained in the course of employment for personal or family financial gain.
- 5. No employee with the responsibility of requesting, approving or issuing orders, contracts or commitments for materials that may be furnished to the City shall hold any interest in the supplier of these goods or services.
- 6. No employee with the responsibility of requesting, approving or issuing orders, contracts or commitments for materials that may be furnished to the City shall enter into any commitment with a business that is owned or operated by a relative of that employee, without prior disclosure of said relationship.

If an officer or employee has a reason to believe that he/she may have a conflict of interest, the office of the City Attorney should be contacted immediately.

Anti-Kickback Policy

This policy prohibits any person from:

1. Providing or attempting to provide or offering to provide any kickback.
2. Soliciting, accepting or attempting to accept any kickback.
3. Including directly or indirectly, the amount of any kickback in the contract price charged by a prime contractor to the City or in the contract price charged by a subcontractor to a prime contractor or higher tier subcontractor.

Accepting Gifts or Loans

No public officer or public employee shall knowingly receive, accept, take, seek or solicit directly or indirectly any gifts or loans for himself, or another, if it tends to influence him or her in the discharge of his or her official duties.

Standardization

General Municipal Law Section 53 makes it possible for the City to standardize on a particular type of material or equipment. A resolution approved by the Common Council shall state that for reasons of efficiency or economy there is a need for standardization.

The resolution shall contain a full explanation supporting such action.

The adoption of such a resolution does not eliminate the necessity for conformance to the competitive bidding requirements. Standardization, restricts the purchase to a specific model or type of equipment or supply, but does not limit the vendors it can be purchased from.

Seconded by Alderman Kibler and adopted. Ayes 5.

090512.6

By Alderman Fogle:

Resolved, that pursuant to the request of Connie D. Schaber, property owner of 200 Park Avenue, Lockport, NY, permission is hereby granted to erect and maintain a fence in the City's right-of-way at 200 Park Avenue subject to the following provisions:

that upon motion of the Common Council, duly adopted by a majority vote only, and thirty days notice from the City Clerk, the fence must be removed,

filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, leaving the City free and clear of all liability in connection therewith,

Seconded by Alderman Schrader and adopted. Ayes 5.

090512.7

By Alderman Kibler:

Resolved, that pursuant to their request, Emmanuel United Methodist Church is hereby granted permission to barricade Wakeman Place and to conduct hayrides during their annual fall festival and auction on Saturday, October 20, 2012 from 12:00 p.m. to 3:30 p.m. Said permission is subject to Emmanuel United Methodist Church filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and approval of the route by the Police Chief, and be it further

Resolved, that the Director of Engineering be and the same is hereby authorized and directed to arrange for delivery of barricades to the area prior to the event.

Seconded by Alderman McCaffrey and adopted. Ayes 5.

090512.8 (WITHDRAWN – Sale of 3 Elm Court)**090512.9**

By Alderman Kibler:

Resolved, that pursuant to their request, permission is hereby granted the Lakeview Parkway Association to barricade Lakeview Parkway on Saturday, September 8, 2012 for a block party, and be it further

Resolved, that the Director of Engineering be and the same is hereby authorized and directed to arrange for delivery of barricades, picnic tables and trash barrels to the area prior to said event.

Seconded by Alderman Genewick and adopted. Ayes 5.

090512.10

By Alderman Kibler:

Resolved, that pursuant to their request, the Niagara County Deputy Sheriffs PBA is hereby granted permission to conduct their 1st annual 5-K Road Race and Fun Run on Sunday, October 21, 2012 and to barricade Market Street from Mill Street to Cold Springs Road beginning at 10:00 a.m. and to erect a tent at Nelson C. Goehle Park for said event, subject to approval of the race route by the Police Chief and the Niagara County Deputy Sheriffs PBA filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Engineering is hereby authorized and directed to make arrangements to deliver barricades, traffic cones, and street closed signs and arrange to have the restroom open and electricity available at the park on said date.

Seconded by Alderman Schrader and adopted. Ayes 5.

090512.11

By Alderman Schrader:

Resolved, that the Director of Utilities is hereby authorized and directed to purchase two cargo vans from lo bidder Van Bortel Ford at a cost of \$41,730.00. Cost of same to be charged to account #002-8310-0230.

Seconded by Alderman Kibler and adopted. Ayes 5.

090512.12

By Alderman Kibler:

Resolved, that the Mayor, subject to Corporation Counsel approval be and the same is hereby authorized and directed to renew the contract with Lockport City School District for continuation of a School Resource Officer.

Seconded by Alderman McCaffrey and adopted. Ayes 5.

090512.13

By Alderman Genewick:

Resolved, that the request for proposal of M & T Bank, Buffalo, NY received on July 13, 2012, for Merchant Card Services and On-Line Bill payment be accepted, and be it further

Resolved, That the Mayor be and he hereby is authorized and directed to enter into agreement with M & T Bank.

Seconded by Alderman Fogle and adopted. Ayes 5.

090512.14

By Alderman Schrader:

WHEREAS, the City of Lockport (LKPT) and the City of North Tonawanda (NT) (collectively referred to as the "Participants") have submitted several grant applications and received a past grant award from the New York State Department of State (herein referred to as the "NYDOS") to study the feasibility of sharing and/or merging water and wastewater treatment services between the two cities; and

WHEREAS, most recently, LKPT, as Sponsor, received a Regional Water Efficiency Implementation Grant of \$440,000 from the NYDOS' 2010-2011 Local Government Efficiency Grant Program, under contract number C-108818, to evaluate and inspect the raw waterline between LKPT and NT and determine whether it can be converted to a finished waterline, thereby enabling the consolidation of water treatment systems in the two cities; and

WHEREAS, the Participants continue to desire to work together to implement the recent NYDOS grant award and have drafted an Inter-municipal Agreement for this purpose; and

WHEREAS, LKPT will continue to act as Lead Agency for the Participants and will enter an agreement with the NYDOS for purposes of accepting, implementing, and managing the state grant, including retaining a Consultant to conduct and oversee the inspection of its raw water line and to prepare an Engineering Report for the County Health Department; and

WHEREAS, pursuant to said grant award, the Participants will contribute \$24,445 each as a required match to the Local Government Efficiency Grant; and

NOW THEREFORE, be it Resolved that the Mayor of the City of Lockport (or designee) is authorized to execute an Inter-municipal Agreement between LKPT and NT, a copy of which is attached and incorporated by reference.

Seconded by Alderman Genewick and adopted. Ayes 5.

090512.15

By Alderman Schrader:

WHEREAS, the City of Lockport ("LKPT"), and the City of North Tonawanda ("NT") desire to achieve greater efficiencies and cost savings in the delivery of water and wastewater services; and

WHEREAS, LKPT and NT have worked cooperating to identify consolidation opportunities supported by state grant funds through the New York Department of State ("NYDOS"); and

WHEREAS, LKPT and NT have recently been awarded a Regional Water Efficiency Implementation Grant of \$440,000 from the NYDOS' 2010-2011 Local Government Efficiency Grant Program (contract number C-108818) to evaluate and inspect the raw waterline between LKPT and NT and determine whether it can be converted to a finished waterline, thereby enabling the consolidation of water treatment systems in the two cities; and

WHEREAS, to implement this grant, LKPT and NT have prepared an Inter-municipal Agreement, where LKPT will act a Sponsor for the cities, and where the cities have agreed to provide \$24,445 each as the required local match contribution for the grant; and

WHEREAS, LKPT and NT wishes to continue to utilize the engineering services of CRA Engineering & Infrastructure, Inc. of Buffalo NY to manage the implementation of the grant, and to conduct the evaluation of the raw waterline and to prepare an Engineering Report for the County Health Department.

NOW, THEREFORE, BE IT

RESOLVED that the Mayor of Lockport (or designee) is authorized to accept the grant award and to execute the contract and any and all related documents with the NYDOS, a copy of the contact work plan which is attached, and it is further

RESOLVED, that the Mayor of Lockport is authorized to execute an agreement with CRA Engineering & Infrastructure, Inc. of Buffalo NY to provide engineering services for the implementation of the grant, including an evaluation of the raw waterline and preparation of an Engineering Report for the County Health Department, a copy of the consultant proposal which is attached.

Seconded by Alderman Kibler and adopted. Ayes 5.

090512.16

By Alderman Schrader:

Resolved, that pursuant to their request, The Latter Rain Cathedral at Lockport be and the same is granted permission to use City parking lot #5 (Farmer's Market) on Saturday, September 8, 2012, at 11:00 a.m. to conduct a clothing and educational materials giveaway.

Seconded by Alderman McCaffrey and adopted. Ayes 5.

090512.17

By Alderman Schrader:

Resolved, that the Director of Engineering be and the same is hereby authorized to arrange for the installation of streetlights to be placed on pole #34/2 on Spruce Street.

Seconded by Alderman Fogle and adopted. Ayes 5.

090512.17A

By Alderman Kibler:

Resolved, that pursuant to their request, permission is hereby granted to the Lockport Fire Department to barricade Niagara Street from the Church Street to the Municipal Building parking garage ramp, Church Street from Niagara Street to Main Street, and the Municipal Building Parking Lot on Saturday, September 8, 2012 from noon until 4:00 p.m. for an Open House, and be it further

Resolved, that the Director of Engineering be and the same is hereby authorized and directed to arrange for delivery barricades to said area prior to said event.

Seconded by Alderman McCaffrey and adopted. Ayes 5.

090512.17B

By Alderman McCaffrey:

Resolved, that pursuant to the request of Stephen Walsh, property owner of 92 Spalding Street, permission is hereby granted to install and maintain a fence in the City's right-of-way at 92 Spalding Street subject to the following provisions:

that upon motion of the Common Council, duly adopted by a majority vote only, and thirty days notice from the City Clerk, the fence must be removed,

filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, leaving the City free and clear of all liability in connection therewith,

Seconded by Alderman Fogle and adopted. Ayes 5.

090512.17C

By Alderman McCaffrey:

Whereas, the Amanda Hansen Foundation was established in 2009 by Ken and Kim Hansen after the tragic death of their daughter Amanda to carbon monoxide poisoning, and

Whereas, the Amanda Hansen Foundation goals include the following: to create the resources to supply the public with CO detectors who could not otherwise afford them; to educate the public about the real and imminent dangers of CO poisoning, its causes and prevention; and to ensure that the memory of Amanda will be kept alive forever and to avoid the same needless tragedy, and

Whereas, the Amanda Hansen Foundation donates RAD 57 oximeter units to local fire departments to determine if an individual has carbon monoxide poisoning and also donates CO detectors to individuals, and

Whereas, the Lockport Fire Department will be having an Open House at the Municipal Building Parking Lot on Saturday, September 8, 2012, now therefore be it

Resolved, that the City of Lockport Fire Department is hereby authorized to accept a RAD 57 oximeter unit valued at \$3,754.00 from the Amanda Hansen Foundation, and be it further

Resolved, that Ken Hansen from the Amanda Hansen Foundation will be present at the Fire Department Open House to provide battery-operated CO detectors to the City of Lockport residents for a donation of \$3.00 per unit.

Seconded by Alderman Kibler and adopted. Ayes 5.

090512.17D

By Alderman Genewick:

Whereas, the City of Lockport desires to remove the existing Parking Ramp at the Corner of Main and Pine Streets, and

Whereas, the City of Lockport desires to construct a one level surface parking lot accessible off of Pine Street in place of the Parking Ramp, and

Whereas, proposals were received from six Professional Consultants for design services, and

Whereas, a Committee formed by the Mayor has reviewed said proposals, and

Whereas, the Committee has selected Conestoga-Rovers as the preferred Consultant, now it therefore be

Resolved, that the Mayor is hereby authorized and directed to enter into a Contract with Conestoga-Rovers & Associates, 285 Delaware Avenue, Buffalo, NY 14220 for Professional Services to design the demolition of the Parking Ramp and construction of the surface parking lot. Said Contract will also include Bid services, Construction Administration and Construction Inspection. Cost of said Contract shall be \$157,777 plus a 10% contingency charged to Capital Account # 004-0004-0520-4122.

Seconded by Alderman Schrader and adopted. Ayes 5.

090512.17E

By Alderman Kibler:

Resolved, that pursuant to their request, DeSales Varsity Baseball Team be and the same is hereby granted permission to use the baseball diamond at Outwater Park for their fall league subject to approval of the schedule by the Highways & Parks Department, and also subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Genewick and adopted. Ayes 5.

090512.18**ADJOURNMENT**

At 6:27 P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M., Wednesday, September 19, 2012.

Seconded by Alderman Genewick and adopted. Ayes 5.

RICHELLE J. PASCERI
City Clerk